

House Study Bill 576 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to attempting to elude or eluding a marked law
2 enforcement vehicle, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.279, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. a. The driver of a motor vehicle commits an aggravated
4 misdemeanor if the driver willfully fails to bring the motor
5 vehicle to a stop or otherwise eludes or attempts to elude a
6 marked official law enforcement vehicle that is driven by a
7 uniformed peace officer after being given a visual and audible
8 signal as provided in this section and in doing so exceeds the
9 speed limit by twenty-five miles per hour or more.

10 b. The driver of a motor vehicle commits an aggravated
11 misdemeanor if the driver willfully fails to bring the motor
12 vehicle to a stop or otherwise eludes or attempts to elude a
13 marked official law enforcement vehicle that is driven by a
14 uniformed peace officer after being given a visual and audible
15 signal as provided in this section and in doing so knowingly
16 endangers the safety or property of another driver of a motor
17 vehicle, pedestrian, bicyclist, or real property owner or
18 lessee.

19 Sec. 2. Section 321.279, subsection 3, unnumbered paragraph
20 1, Code 2011, is amended to read as follows:

21 The driver of a motor vehicle commits a class "D" felony if
22 the driver willfully fails to bring the motor vehicle to a stop
23 or otherwise eludes or attempts to elude a marked official law
24 enforcement vehicle that is driven by a uniformed peace officer
25 after being given a visual and audible signal as provided
26 in this section, and in doing so exceeds the speed limit
27 by twenty-five miles per hour or more, ~~and if~~ or knowingly
28 endangers the safety or property of another driver of a motor
29 vehicle, pedestrian, bicyclist, or real property owner or
30 lessee, and any of the following occurs:

31 EXPLANATION

32 This bill relates to eluding or attempting to elude a marked
33 law enforcement vehicle.

34 The bill provides that a driver of a motor vehicle commits an
35 aggravated misdemeanor if the driver willfully fails to bring

1 the motor vehicle to a stop or otherwise eludes or attempts to
2 elude a marked official law enforcement vehicle that is driven
3 by a uniformed peace officer after being given a visual and
4 audible signal and in doing so knowingly endangers the safety
5 or property of another driver of a motor vehicle, pedestrian,
6 bicyclist, or real property owner or lessee.

7 The bill provides that a person commits a class "D" felony if
8 the driver commits the aforementioned aggravated misdemeanor
9 described in the bill and any of the following occurs: the
10 driver is participating in a felony; the driver is in violation
11 of Code section 321J.2 or 124.401; or the offense results in
12 bodily injury to a person other than the driver.

13 Current law provides that eluding or attempting to elude is
14 punishable as a serious misdemeanor if the driver fails to stop
15 for a marked official law enforcement vehicle; an aggravated
16 misdemeanor if the driver fails to stop for a marked official
17 law enforcement vehicle and exceeds the speed limit by more
18 than 25 miles per hour; and a class "D" felony if the driver
19 fails to stop for a marked official law enforcement vehicle,
20 exceeds the speed limit by more than 25 miles per hour, and the
21 driver is participating in a felony, the driver is in violation
22 of Code section 321J.2 or 124.401, or the offense results in
23 bodily injury to a person other than the driver.

24 A person convicted of eluding or attempting to elude in
25 violation of Code section 321.279 shall have the driver's
26 license of the person revoked pursuant to Code section 321.209.

27 A serious misdemeanor is punishable by confinement for no
28 more than one year and a fine of at least \$315 but not more than
29 \$1,875. An aggravated misdemeanor is punishable by confinement
30 for no more than two years and a fine of at least \$625 but
31 not more than \$6,250. A class "D" felony is punishable by
32 confinement for no more than five years and a fine of at least
33 \$750 but not more than \$7,500.